

**State of Rhode Island and Providence Plantations  
Rhode Island Board of Elections**

**Public Notice of Proposed Rule-Making**

Pursuant to the provisions of Title 17 of the General Laws of Rhode Island, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Rhode Island Board of Elections hereby gives notice of its intent to amend the following; **Rules and Regulations for Voter Registration** (ERLID# 6591, last filed 12/21/2011).

This rule is proposed for amendment by the Board of Elections for the purpose of implementing the voter registration requirements of United States Public Law 107-252 ("Help America Vote Act of 2002") and to address those voter registration issues not otherwise specifically referred to in the Rhode Island General Laws.

The proposed Rules and Regulations are available for public inspection online at [www.elections.ri.gov](http://www.elections.ri.gov), in person at the Rhode Island Board of Elections, 50 Branch Ave. Providence, R.I. 02904, requested by email at [GMcBurney@elections.ri.gov](mailto:GMcBurney@elections.ri.gov) or by calling Gregory McBurney at 401-222-1914.

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

All interested parties are invited to submit written or oral comments concerning the amended regulations by 02/22/2012 to Robert Kando, Rhode Island Board of Elections, 50 Branch Ave. Providence, R.I. 02904, 401-222-2345, [Feedback@elections.ri.gov](mailto:Feedback@elections.ri.gov). A public hearing to consider the proposed amendment shall be held on 02/22/2012 at 3:30 P.M. at 50 Branch Ave. Providence, R.I. 02904 at which time and place all persons interested will be heard. The room is accessible to the disabled and interpreter services for the hearing impaired will be provided if requested 48 hours prior to the hearing. Requests for this service can be made in writing or by calling 401-222-2345.

# State of Rhode Island and Providence Plantations Board of Elections

## Concise Summary of Proposed Non-technical Amendments To RULES AND REGULATIONS FOR VOTER REGISTRATION

In accordance with the Administrative Procedures Act, Section 42-35-3(a)(1) of the General Laws of Rhode Island, the following is a concise summary of proposed non-technical amendments:

Section 2 – Added definitions for “Current and Valid”, “Government Agency”, and “NVRA (national voter registration act)”.

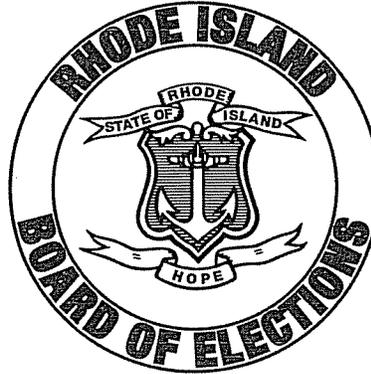
Section 3 – The opening section is better defined to include provisional balloting and DMV as acceptable ways to register to vote.

Part A9: Adds Language allowing voters to register as a member of a political party that is not recognized in Rhode Island. Also, deadlines for using out of date forms are expounded on.

Part B1 and B2: Adds language including the Rhode Island DMV as a way of submitting voter registration forms.

Part F: Adds a new section explaining how change of addresses at the DMV for motor vehicle licenses or State ID's can be transmitted to the State CVRS.

Section 4 – Updated the list of acceptable forms of “Unverified Identification”.



**RULES AND REGULATIONS  
FOR VOTER REGISTRATION**

**PROPOSED**

As Amended:

03/25/2004

03/03/2008

08/26/2008

02/26/2010 (Emergency)

04/21/2010

11/08/2011

02/22/2012

**Promulgated by order of  
The Rhode Island State Board of Elections  
Frank J. Rego, Chairman**

# RULES & REGULATIONS FOR VOTER REGISTRATION ADOPTED BY THE RHODE ISLAND BOARD OF ELECTIONS

*The Rhode Island Board of Elections hereby amends the rules and regulations relating to voter registration pursuant to and in accordance with R.I. Gen. Laws §§17-7 et seq. and 17-9.1 et seq., due to the enactment of Rhode Island General Law §17-9.1-33 effective January 5, 2010*

*Said rules and regulations are adopted pursuant to the Administrative Procedures Act (R.I.G.L. §42-35 et seq.) and are available for public inspection at the offices of the Rhode Island Board of Elections, 50 Branch Avenue, Providence, Rhode Island.*

## **Section 1. Purpose**

These rules and regulations are adopted by the Board of Elections for the purpose of implementing the voter registration requirements of United States Public Law 107-252 ("Help America Vote Act of 2002") and to address those voter registration issues not otherwise specifically referred to in the Rhode Island General Laws.

## **Section 2. Definitions**

Board of ~~c~~Canvassers or ~~l~~ocal ~~b~~Board shall mean the ~~b~~Board of ~~c~~Canvassers in a city or town.

Board of Elections or State Board shall mean the Rhode Island Board of Elections.

CVRS shall mean the Central Voter Registration System, which is a database maintained by the Office of the Secretary of State as a statewide voter registration and election history computer system.

Current and valid shall mean the document has not expired by its terms prior to the date it is presented.

DMV shall mean the Rhode Island Division of Motor Vehicles.

Election Day shall mean any time the polls are open for the conduct of an election, primary, or referendum.

Government Agency shall mean any governmental agency of a city, town, state or federal governmentthe United States.;

ID shall mean identification.

In-Person registrations shall mean are those registrations that are personally delivered by

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the applicant or are completed by the applicant at a Voter Registration Agency where election officials are available to assist registrants and receive the registration forms.

NVRA shall mean National Voter Registration Act.

~~RI shall mean the State of Rhode Island.~~

Recognized Political Party shall mean a political party that has met the recognition requirements of Rhode Island General Law 17-1-2(9).

Secretary of State or Secretary shall mean the Office of the Secretary of State of Rhode Island.

State ID shall mean an identification card issued by the Rhode Island Department of Motor Vehicles.

~~-Voter Identification Number (Voter ID number) shall mean the number assigned to each registered voter by the CVRS.~~

Voter Registration Agency shall mean an office designated by the State Board to perform voter registration activities. Offices so designated include: Board Of Elections, Office of the Secretary of State, local Boards of Canvassers, Division of Motor Vehicles, Department of Corrections, Department of Human Services, Department of Mental Health, Retardation & Hospitals, Department of Health Women, Infants & Children program, armed forces recruitment offices and any other offices designated by the state board.

### Section 3: Voter Registration Forms

Persons may register to vote in Rhode Island by completing a Rhode Island Voter Registration Form, in a format prescribed and authorized by the Board of Elections within these regulations; or a federal voter registration application prepared by the Federal Election Assistance Commission; or submitting an application for a provisional ballot at the polling place on election day; or submitting an electronic application for voter registration through the Rhode Island Division of Motor Vehicles in accordance with RIGL 17-9.1-7.

#### **A. Registration Form**

The State Board shall publish a Rhode Island Voter Registration Form and instructions that includes:

##### 1. Type of registration

The applicant shall check the purpose for the submission of the voter registration form including: new registration, address change, party change, or name change.

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2. Declaration of “Citizenship,” “Residence” & “Age”

The applicant shall be required to check the appropriate boxes acknowledging that he/she:

- a) is a citizen of the United States and the State of Rhode Island;
- b) ~~At~~ is at least 16 years of age (You must be 18 years of age to vote).

The applicant shall be informed if he/she answers “No” to either question. The applicant shall not complete the form.

3. Rhode Island Driver’s License or State ID Card Number/-Last 4 Digits of Social Security Number

The applicant shall provide his/her ~~RI~~ Rhode Island driver’s license number or ~~Rhode Island~~ RI State ID number. In the case of an applicant who has not been issued a current and valid ~~Rhode Island~~ RI driver’s license or a current and valid ~~Rhode Island~~ RI State ID, he/she shall provide the last 4 digits of his/her Social Security Number. **(Required only if the applicant is a first time registrant registering to vote after January 1, 2003 as a mail or third party registrant.)**

4. Applicant’s Full Name

The applicant shall print his/her last name, first name and middle name (or initial).

5. Home Address (legal residence)

The applicant shall enter the full address of the city/town where he/she resides including the street address, apartment number, and zip code. A Post Office box shall not be considered a residence. Residents without a permanent address may register to vote from the address of the board of canvassers of their city/town or may provide a location to the board of canvassers of their city/town where they are commonly located.

6. Mailing Address (address where mail is received if different from #5. Home Address)

7. Date of Birth

8. Phone Number/E-Mail Address (optional)

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### 9. Party Affiliation

An applicant may choose to register with a recognized political party in Rhode Island by checking the name of the recognized political party, or selecting “Other” and writing the name of the unlisted recognized political party on the line provided. An applicant who does not wish to register with a party shall check “Unaffiliated.” An applicant who leaves this item blank, or lists the name of a political party not recognized in the state will be registered as “Unaffiliated.” New forms with a listing of all recognized parties shall be used within 60 days of when a party achieves party recognition in the State of Rhode Island at the local boards of canvassers and on-line as soon as possible. The Board of Elections may not use outdated forms for more than 90 days of when a party achieves party recognition in the State of Rhode Island.

### 10. Affirmation, Signature & Date

The applicant shall be required to sign his/her name (or make his/her mark) in ink and shall enter the date the registration form was completed.

### 11. Previous Name

If an applicant is registered to vote and has since legally changed his/her name, the registrant’s name, as recorded on their previous registration, shall be included here.

### 12. Previous Address

If an applicant was previously registered to vote from another address, then the previous address including the street number and name, city or town, state and zip code shall be entered here.

**(Note: Nothing in these rules and regulations shall prevent a person from receiving assistance in the preparation or filing of a Voter Registration Form.)**

### B. Voter Registration Form Submission Categories

The manner in which voter registrations may be submitted and the effective date of registration shall be as follows:

- 1) **“In-Person” registrations** are those registrations that are delivered “in-person” by the applicant or are completed by the applicant at a Voter Registration Agency where election officials are available to assist registrants and receive the

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registration forms; or submitting an electronic in-person application for voter registration through the Rhode Island Division of Motor Vehicles in accordance with RIGL 17-9.1-7. The effective date of registration shall be the date of submission of the completed registration form to the Voter Registration Agency.

- 2) **“Third Party” registrations** are voter registrations that are delivered by someone other than the applicant to either the State Board or local board of canvassers, or submitted through the Rhode Island Division of Motor Vehicles website in conjunction with an online driver license renewal. The effective date of registration shall be the date of submission by the “third party” of the completed registration form to the state or local board. **-(First time ‘third party’ applicants registering to vote after January 1, 2003 must meet the identification requirement in Section 4.)**
  
- 3) **“Mail” registrations** are those registrations mailed through the United States Postal Service or delivered by commercial carrier to the State Board or a local board of canvassers. The effective date of registration shall be the date the completed registration form is postmarked, however, if there is no postmark or the postmark is illegible and the registration form is received within 5 days of the registration deadline, and then the application is effective on the last day to vote for that election. If there is no postmark or the postmark is illegible and the registration form is received more than 5 days after the registration deadline, then the effective date of registration is the date received by the state or local board. **(First time applicants registering to vote by mail after January 1, 2003 must meet the identification requirement in Section 4.)**

### C. Incomplete and/or Defective Registrations

-Registrations that are determined to be incomplete or defective by election officialthe local board of canvassers shall be processed as follows:

1. A first-time mail registrant registering to vote after January 1, 2003, that does not contain a verifiable Rhode Island driver's license number, a verifiable Rhode Island State ID number, or the last four digits of a verifiable Social Security Number shall be processed under the identification requirements promulgated in

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Section 4 and the local board shall notify the registrant of the deficiency within 7 days of the receipt of the registration.

2. Registrations ~~that do not~~ selecting a recognized political party in Rhode Island shall be processed as “Unaffiliated.”
3. Registrations that fail to indicate a person is a U.S. Citizen, Rhode Island resident, fail to indicate he/she is at least 16 years of age, or do not contain the applicant’s full name, address, date of birth, or signature shall not be accepted or processed and shall be returned to the applicant by the local board within 7 days of its receipt with notification of the reason the registration was not accepted. If the applicant fails to provide the missing information on or before the twentieth day before the next election, the registration shall be rejected and the applicant notified by the local board of the rejection within 7 days. If the applicant responds to the notice and corrects the defect within the required time-frame, the effective date of registration shall be the date the registration was initially submitted.

### **D. Currently Registered Voters**

Notwithstanding the provisions and requirements of this section, election officials shall accept and process a registration form which has been signed and submitted by an individual who is currently a registered voter in Rhode Island and who is submitting the form for the purpose of changing his/her name and/or address or to change his/her political party affiliation.

### **E. Voter Affirmation Forms**

A Voter Affirmation form (R.I.G.L. §17-9.1-16) completed and signed at the polling place on Election Day by an individual who is at that time a registered voter within the city/town where the Voter Affirmation card is submitted, may be used for the purpose of changing his/her name and/or address.

### **F. Rhode Island Division of Motor Vehicle Change of Address Form**

Any change of address form submitted to the Rhode Island Division of Motor Vehicles in accordance with Rhode Island state law for purposes of a state motor vehicle license or State ID shall serve as a notification of change of address for voter registration purposes for the registrant involved, unless the registrant states on the form that the change is not for voter registration purposes. Such change of address notification shall be transmitted by the Division of Motor Vehicles to the CVRS in accordance with RIGL 17-9.1-7.

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**Section 4. — First-Time Mail or Third Party Registration Applicants  
In Rhode Island – Identification Requirements**

The following are the acceptable forms of identification for first-time mail registration or third party voter registration applicants, which must be provided to the board of canvassers on or before the close of the polls on Election Day or at the polling place prior to voting. (Note: If registering in-person at a Voter Registration Agency no identification is required.)

**A. Verified Identification:**

The applicant provides his/her Rhode Island driver's license number or Rhode Island State ID number. If the applicant has not been issued a Rhode Island driver's license or Rhode Island State ID, the last 4 digits of the applicant's Social Security Number shall be submitted. The Rhode Island driver's license number, Rhode Island State ID number, or last 4 digits of the Social Security Number as provided on the voter registration form by an applicant registering to vote for the first-time in Rhode Island shall be entered into the statewide Central Voter Registration System ("CVRS") and verified through the database of the Rhode Island Division of Motor Vehicles DMV (if the voter chooses to use this option at the polling place the voter shall vote a provisional ballot). If the applicant does not have a Rhode Island driver's license number, Rhode Island State ID number or a Social Security Number, they shall provide one of the following;

**B. Unverified Identification:**

A copy of a current and valid photo identification provided by a third party in the ordinary course of business that includes the name and photograph of the individual presenting it. Examples of photo identification include, but are not limited to The acceptable forms of photo identification are:

- Rhode Island Driver's license; or identification card of any state;
- Rhode Island Voter voter Identification identification Cardcard;
- U.S. United States Passportpassport;
- Identification issued by a United States educational institution;
- United States military identification card;
- Identification card issued by the United States or the State of Rhode Island;
- Government issued medical card;

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- Employee identification card;
- Identification card provided by a commercial establishment;
- Credit or debit card;
- Military identification card;
- Student identification card issued by a recognized US educational institution;
- Health club identification card;
- Insurance plan identification card;
- Public housing identification card;

or a copy of ~~any of one of~~ the following documents, provided that the document includes the name and current address of the individual presenting it, and is dated since the date of the last general election, unless the document is intended to be of a permanent nature such as a pardon or discharge:

- Utility bill;
- Bank statement;
- Government check;
- Government paycheck;
- Document issued by a government agency;
- ~~Sample ballot or other official elections document issued by a governmental agency, dated for the election in which the individual is providing it as proof of residency or identity;~~
- ~~Voter notification card issued by a governmental agency;~~
- ~~Public housing identification card issued by a governmental agency;~~
- Lease or rental statement or agreement issued by a governmental agency;
- Student identification card or tuition statement or bill issued by a recognized U.S. educational institution; issued by a governmental agency;
- ~~Tuition statement or bill issued by a governmental agency;~~
- ~~Insurance plan card or drug discount card issued by a government agency;~~

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- ~~■ Discharge certificates, pardons, or other official documents issued to the individual by a governmental agency in connection with the resolution of a criminal case, indictment, sentence; or other matter;~~
- ~~■ Public transportation authority senior citizen and disabled discount cards issued by a governmental agency;~~
- ~~■ Identification documents issued by governmental disability agencies;~~
- ~~■ Identification documents issued by government homeless shelters and other government temporary or transitional facilities;~~
- ~~■ Drug prescription issued by a government doctor or other governmental health care provider;~~
- ~~■ Property tax statement issued by a governmental agency;~~
- ~~■ Vehicle registration issued by a governmental agency;~~
- ~~■ Vehicle certificate of ownership issued by a governmental agency.~~

### **C. Confidentiality**

To the extent permitted by law, all applicants' Rhode Island driver's license numbers, Rhode Island State ID numbers, the last 4 digits of applicants' Social Security Numbers or photocopies of all such documents and any other documents submitted in conjunction with meeting the identification requirements for first-time voter registration applicants shall remain confidential and shall only be available to election officials solely for election purposes and shall not be part of the public record or available for public inspection.

### **D. Declarations of Candidacy**

Notwithstanding any other provisions of these rules and regulations, a person filing a declaration of candidacy whose application for voter registration is subject to the requirements of Section 4 shall be required to present the necessary identification to the appropriate local board prior to or at the time of filing said declaration.

## **Section 5. CVRS-issued Identification Numbers of Registered Voters**

The CVRS shall assign a unique "voter identification number" to every registered voter that shall remain assigned to the voter while the voter resides in Rhode

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**Section 6. Implementation**

The Board of Elections may promulgate procedures and forms necessary to implement the within rules and regulations required under the Rhode Island General Laws.

These rules and regulations were adopted at a meeting of the State Board of Elections held on the Twenty-second day of February, 2011 ~~2012~~ pursuant to the Administrative Procedures Act (R.I.G.L. 42-35-1, et sq.).

By Order of the Rhode Island Board of Elections

\_\_\_\_\_  
Frank J. Rego, Chairman

\_\_\_\_\_  
Date

Witnessed by

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Robert Kando, Executive Director

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Date

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